

HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2)(b))

Description of the case.

A.O. No. 785 of 2001

Union of India

Vs.

Smt. Manmaya Gurung and others

Approved for reporting.

~~Not approved for reporting~~

Date of decision 9.8.2004

Initial of Judge

HIGH COURT OF UTTARANCHAL AT NAINITAL

A.O. No. 785 of 2001
Old No. 393 of 1984

Union of India Petitioner

Versus

Smt. Manmaya Gurung & others Respondents

Sri V.K. Bisht, Sr. Advocate for the petitioner.
Sri Lokendra Dobhal, Advocate for the respondents.

Dated: 9.8.2004

Hon. Rajesh Tandon, J.

Heard the learned counsel for the parties.

Present appeal has been filed against the judgment and award dated 5.3.1984 passed by the Motor Accident Claims Tribunal, Dehradun.

Briefly stated the facts giving rise to the present appeal are that respondent filed a claim petition before the Motor Accident claims Tribunal, Dehradun for grant of compensation on account of death of her husband Sri Aita Singh Gurung on 5.8.1983 in a motor vehicle accident involving Truck No. CHW 4122. During pendency of the claim petition the petitioner has filed an application under section 92-A of M.V. Act for grant of ad interim compensation of Rs.15,000/-. The claims Tribunal vide order dated 5.3.1983 granted ad interim compensation under no fault liability and opposite party appellant was directed to pay the same within two months.

Appellant in his written statement has stated that the accident occurred when the deceased Aita Singh Gurng, who was riding on a cycle struck against the truck of the appellant which was parked near a shop. Thus the truck was involved in the accident and as such under the scheme of no fault liability the appellant is liable to pay the compensation under section 92-A of M.V.Act, to the claimant.

In find no infirmity in the order passed by the Motor Accident Claims Tribunal. The appeal has no force and is hereby dismissed.

(Rajesh Tandon, J.)

9.8.2004

*Dhyani